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EXAMINER

NOLAN, DANIEL A

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 15

Application Number: 09/740,277
Filing Date: December 19, 2000
Appellant(s): SUOMELA ET AL.

Alfred W. Froebrich
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10 May 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The amendment after final rejection filed on 26 January 2004 has not been entered. The proposed changes to claim 7 affect the order of processing for the claimed features and require examination to that effect, while claims 23, 36 and 43 would have introduced objections to the specification as failing to provide proper antecedent basis for the claimed subject matter that would require resolution.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because Group II claims are not independent (8th line from end page 8).

(8) Claims Appealed

Claims 7, 23, 36 and 43 contain(s) substantial errors as presented in the Appendix to the brief. Accordingly, claims 7, 23, 36 and 43 are correctly written in the Appendix to the Examiner's Answer.

(9) Prior Art of Record

6,012,030	French-St George <u>et al</u>	1-2000
4,481,384	Matthews	11-1984
6,377,793	Jenkins	4-2002

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(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

2. The disclosure is objected to because of the following informalities:

- "Voiced" is misspelled (page 17 line 12).

Appropriate correction is required.

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (page 17 lines 6 & 18). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code.

See MPEP § 608.01.

Claim Objections

4. Claims 23, 36 and 43 contains the adjective "short". It is suggested to use a more precise definition.

Claim Rejections - 35 USC § 103

French-St. George et al & Matthews

5. Claims 1-3, 5-17, 27-32, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over French-St. George et al (U.S. Patent 6,012,030) in view of Matthews (U.S. Patent 4,481,384 A).

6. As per claims 1, 2, 27, and 28 and French-St. George et al teach:

- detecting an event at the terminal (picking up the mobile phone), and performing a 1st command in response to said event (turning on all default input/output modalities, column 6 lines 24-26 with Figure 6a);
- automatically activating speech recognition at the terminal in response to said event (inherent in "the user may then choose to complete the task by issuing a speech command", column 6 lines 36-38),
- determining whether a 2nd command is received via a secondary speech input to be recognized or a primary input during a speech recognition time period commencing the performance of said 1st command, and deactivating speech recognition if the 2nd command is received via the primary input, and performing the 2nd command (column 2 lines 47-50; column 6 lines 54-57; column 8 lines 19-22).

While French-St. George et al teaches voice response within a period, they do not specify the alternative of *deactivation*. The voice recognizing telephone call denial system of Matthews (column 11 lines 66-68) reads on the feature of (e) *deactivating the*

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speech recognition at the terminal if it is determined that the 2nd command is not received by the one of the speech recognition and a primary input of the terminal in said step (d) during the speech recognition time period; It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Matthews to the device/method of French-St. George et al so as to disassociate speech as a momentary input.

7. As per claims 3, 29, 40, and 41, French-St. George et al teach determining a context in which speech recognition is activated and the corresponding applicable commands (*"At each layer, the speech recognizer loads an appropriate vocabulary list"*, column 8 lines 5-6), inherently involving a word set database and a secondary control circuit determining said context. The rest of the limitations in claims 40 and 41 are the same or similar to those in claims 1, 2, 27, and 28, above, and thus are rejected for the same reasons.

8. As per claim 4, French-St. George et al teach a default word set comprising commands applicable in all contexts (*"quit", "select other service", "none of these"*, column 10 lines 9-15).

9. As per claims 5, 8, and 30, French-St. George et al teach displaying at least a portion of the applicable commands (e.g. column 8 line 61 through column 9 line 7).

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10. As per claim 7, French-St. George et al teach verifying the correctness of spoken command recognition (speech based error recovery, column 3 lines 40-43).

11. As per claim 10-15, French-St. George et al teach buffering commands received during the speech recognition time period and performing them, and repeating the steps (c) – (f) for the command last performed (column 6 lines 64-66; Fig. 6a).

12. As per claims 16-17, 31, and 32, French-St. George et al teach the event of pressing a button on a mobile phone and having the primary input comprise buttons (column 6 lines 1-4).

13. Regarding claims 6 and 9, while French-St. George et al do not explicitly teach audibly outputting the applicable commands, they do teach that the speech recognizer provides a full range of speech prompts to the user (column 3 lines 44-45). It would have been obvious for an artisan at the time of invention to have these speech prompts include listing the applicable commands in a given context so that the user does not have to look at a display or remember what these commands are.

14. Regarding claims 47, 48 and 49; the claims are set forth with the same limits as claims 1, 27 and 40, respectively. The feature of *receipt of information at the terminal from the environment of the terminal and notification of an external event* is implicitly

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disclosed by French-St. George et al (column 6 lines 27-30) where the information is provided that a modality selection was made.

French-St. George et al, Matthews & Jenkins

15. Claims 18-26, 33-39, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over French-St. George et al & Matthews as applied to claims 1, 2, 27, and 28, above, in view of Jenkins (U.S. Patent 6,377,793).

French-St. George et al teach that their multimodal interface is “particularly useful in hand held communications devices such as mobile phones and other specialized or portable terminals for information access” (column 7 lines 27-30), but do not specifically mention a personal digital assistant or wearable computers or connecting via short range radio technology or connecting to the internet.

However, Jenkins teaches that such communications devices include “personal communication devices, communication enabled wearable computers, personal digital assistants ... internet appliances” as well as “any other body-worn or user-supported computer device which is capable of wireless communication” (column 5 lines 31-36 and 39-41). Therefore, it would have been obvious for an artisan at the time of invention to use the French-St. George et al interface therein and to make the defining event the connection to the relevant information source, including by phone call and a short message, so as to make these devices more versatile and user-friendly for receiving information,

(11) Response to Argument

In response to applicant's argument (on the 5th line from the end of page 5) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*within a predetermined period after an event*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the argument (on the 9th line of page 6 to the 2nd line of page 7) that the prior art of reference teaches away from the invention, French-St. George et al improves on existing practice and the descriptions of that art is necessary background illustrating the improvement and is not to be construed as teachings against.

In response to applicant's argument (page 7 lines 11-17) that Matthews is not inputting a command for voice that "*the system should not wait indefinitely for an input by a user in the access mode*", the opinion is to the contrary in that the systems should wait for an input for however long it would take for an input by a user, there being no other task in the disclosure or in the claims that would take precedence. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Matthews overcomes the limitations of French-St. George et al as argued (page 8 lines 3-5).

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In response to applicant's argument that Jenkins' wireless is used in a different context (last line page 8 to page 9 line 12), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. The limitations characterized as not being provided by Jenkins are in fact specifically addressed in the rejections of those claims in the action with reference to other prior art of record.


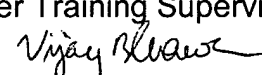
The argument that French-St. George et al does not address the feature that *user input is not information received at the terminal* (lines 16-19 page 9) is not the case, as French-St. George et al includes *several modes of interaction* including keys, etc (column 6 lines 54-55). The claims are not for the information or notifications received but are for the *detecting* or the *event* of reception or notification.

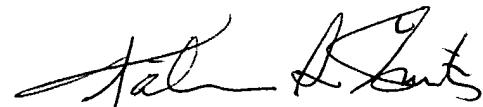
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
Daniel A. Nolan
Examiner
Art Unit 2654

dan/DAN
24 May 2004

Conferees

Richemond Dorvil, Supervisory Patent Examiner 
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SUPERVISORY PATENT EXAMINER

Appendix to the Examiner's Answer

Claims 7, 23, 36 and 43 are correctly addressed as written, as follows:

7. The method of claim 1, wherein said step (f) further comprises verifying that the second command received via speech recognition is correct.

23. The method of claim 22, wherein the notification is one of a phone call and a short message.

36. The terminal of claim 27, wherein said means for activating speech recognition comprises means for activating speech recognition in response to receiving notification of one of a phone call and a short message at said terminal.

43. The terminal of claim 40, wherein said means for activating speech recognition comprises means for activating speech recognition in response to receiving notification of one of a phone call and a short message at said terminal.